UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,568	05/01/2001	Michael Christopher Martin	RSW920010076US1	4861

26502	7590	08/30/2005	

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EXAMINER
CHANG, JUNGWON

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/846,568	MARTIN ET AL.
	Examiner	Art Unit	
	Jungwon Chang	2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>05 August 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>*none*</u>.

   Claim(s) objected to: <u>*none*</u>.

   Claim(s) rejected: <u>*1-11*</u>.

   Claim(s) withdrawn from consideration: <u>*none*</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
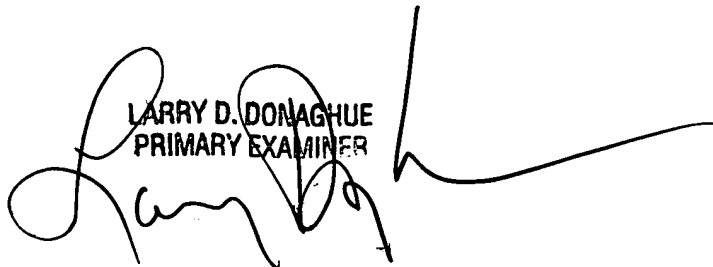
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant fails to consider the examiner's assertion that stated in the final action dated

6/6/2005 that "applicant is silent regarding the examiner's citations of col. 8, line 57 –

col. 9, line 7 of Myerson for caching priories in a prior office action dated 11/17/2004".

Myerson clearly discloses determining caching priorities (entry page, 2nd object, 3rd

object, 4th object, 5th object, 6th object, 7th object, %of requests; fig. 6; **detecting high**

rates of object caching... **it is the pages and associated objects closest to the Web**

sites' main entry points that are cached, and during peak usage periods when these

objects are reference **most frequently**; **testing for detecting a high object caching**

rate using reference percentage weights of the most frequently requested objects

in the reference log file, i.e., **col. 5, lines 1-22**...current percentage weights of the

same objects; col. 8, lines 54-67; **caching is the temporary storage of the files for**

recently accessed www pages; col. 1, line 65 – col. 2, line 5; certain www pages tend

to be much more popular than others, especially the home pages of popular web sites,

and those pages tend to be cached, i.e., caching priority; col. 2, lines 6-21).

Applicant argues that there is no mention of storing such objects on the cache memory

of the web server, much less, analyzing the identifications of web pages requested by

the browsers to determine caching priories for the web server. Examiner respectfully

disagrees since Myerson clearly discloses storing such objects on the cache memory of

the web server (**a cache for temporary caching objects stored on said server**

computer; col. 11, lines 54-60), analyzing the identifications of web pages requested by

the browsers (figs. 2-3; col. 5, line 1 – col. 6, line 14) to determine caching priories for the web server (a log file processing subsystem associated with the server computer; col. 11, lines 54-60; entry page, 2nd object, 3rd object, 4th object, 5th object, 6th object, 7th object, %of requests; fig. 6; detecting high rates of object caching...it is the pages and associated objects closest to the Web sites' main entry points that are cached, and during peak usage periods when these objects are reference most frequently; testing for detecting a high object caching rate using reference percentage weights of the most frequently requested objects in the reference log file, i.e., col. 5, lines 1-22...current percentage weights of the same objects; col. 8, lines 54-67; caching is the temporary storage of the files for recently accessed www pages; col. 1, line 65 – col. 2, line 5; certain www pages tend to be much more popular than others, especially the home pages of popular web sites, and those pages tend to be cached, i.e., caching priority; col. 2, lines 6-21).

Furthermore, claims 5 and 6 of the present application, "the caching priorities are proportional to relative frequencies of browser requests for web pages (claim 5); the caching priorities are proportional to recency of browser requests for web pages (claim 6)". Myerson clearly discloses frequencies of browser requests for web pages (weight data representing the relative frequency of requests for the various objects associated with the Web site; col. 3, lines 25-27; col. 4, lines 62-67; col. 6, lines 54-61; high object caching rate; col. 8, lines 54-67); and recency of browser requests for web pages (col. 5, lines 15-22). Thus, Myerson is a relevant prior art.

LARRY D. DONAGHUE
PRIMARY EXAMINER